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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,831	06/27/2003	Ryuichiro Yoshimura	041465-5034-03	8763

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,831

Applicant(s)

YOSHIMURA ET AL.

Examiner

Thai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/820,254.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/27/03&2/13/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it is longer than 150 words. Correction is required. See MPEP § 608.01(b).

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 5-9 are rejected under 35 U.S.C. 101 because claims 5-9 are directed to an information record medium storing nonfunctional descriptive material.

Data structures are not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d

at 1760 (claim to a data structure per se held nonstatutory) and merely claiming nonfunctional descriptive material stored in a computer-readable medium does not make it statutory. See MPEP 2106.IV.B.1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 5-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al (US 6,151,441) in view of Kazuo (JP6236555 and submitted by applicants).

Regarding claim 5, Kawamura et al discloses (Figs. 3-4) an information record medium comprising a lead-in area (LEAD IN AREA of Figs. 3-4), management information for the whole of recording information (TOC DATA #1, #2, and #3 of Figs. 3-

4, col. 18, lines 25-64), data group (1st TRACK DATA to Nth TRACK DATA of Figs. 3-4, col. 13, lines 29-31), and a lead-out area (LEAD OUT AREA of Figs. 3-4). However, Kawamura et al does not specifically disclose that the recording medium having a first recording layer and a second recording layer; wherein the lead-in area, the management information for the whole of the recording information, and the data group are recorded on the first recording layer; wherein the lead-out area and the data group are recorded on the second layer, wherein the lead-in area is recorded at the inner radius side of the information recording medium; and wherein the lead-out area is recorded at the inner radius side of the information record medium.

Kazuo teaches, on an optical disk which has information recording surfaces (a) and (b) facing to each other, digital information, which is encoded and information compressed, is recorded from an inner periphery toward an outer periphery on the surface (a), on the other surface (b), the information is recorded from the output periphery toward the inner periphery so that the outermost information on both surfaces is continuous (see abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the optical disk having two recording surfaces (a) and (b) of Kazuo into Kawamura et al's system in order to increase the storage capacity of the recording medium because the optical disk of Kazuo has two recording layers.

When Kawamura et al and Kazuo are combined as proposed by the examiner, the lead-in area, the management information for the whole of the recording information, and the data group of Kawamura would be recorded on the first recording layer

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(recording from an inner periphery toward an outer periphery on the surface (a) of Kazuo); the lead-out area and the data group would be recorded on the second layer (on the other surface (b), the information is recorded from the output periphery toward the inner periphery of Kazuo), the lead-in area would be recorded at the inner radius side of the information recording medium (recording from an inner periphery toward an outer periphery on the surface (a) of Kazuo); and the lead-out area would be recorded at the inner radius side of the information record medium (on the other surface (b), the information is recorded from the output periphery toward the inner periphery of Kazuo).

Regarding claim 6, the proposed combination of Kawamura et al and Kazuo also discloses the claimed wherein the medium further comprises a mid area at the outer radius side of the first recording layer and the other mid area at the outer radius side of the second recording layer (1st TRACK DATA to Nth TRACK DATA of Figs. 3-4 of Kawamura et al would be recorded on the outer radius of the first recording layer and at the outer radius side of the second recording layer).

Regarding claim 7, the proposed combination of Kawamura et al and Kazuo also discloses the claimed wherein the first recording layer comprises the lead-in area, the management information, the data group, and the mid area in that order from the inner radius side of the first recording layer (data arrangement of Figs. 3-4 of Kawamura would be record from an inner periphery toward an outer periphery on the surface (a) of Kazuo).

Regarding claim 8, the proposed combination of Kawamura et al and Kazuo discloses the claimed wherein the second recording layer comprises the mid area, the

data group, and the lead-out area in that order from the outer radius side of the second recording layer (data arrangement of Figs. 3-4 of Kawamura would be record from the output periphery toward the inner periphery on the other surface (b) of Kazuo).

Regarding claim 9, Kawamura et al additionally disclose the claimed wherein the data group comprises control data (sector number, system header, video data header, audio data header, and SD data header shown in Fig. 7A); and at least either video information or audio information (video data and audio data shown in Fig. 7A).

Apparatus claims 10-14 are rejected for the same reasons as discussed in medium claims 5-9 above.

Method claims 15-19 are rejected for the same reasons as discussed in medium claims 5-9 above.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ


THA TRAN
PRIMARY EXAMINER